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**RESPONSE UNDER 37 CFR 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 3735
Docket No.: 1083.1100**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Akiyoshi TAFUKU et al.

Serial No. 10/763,209

Group Art Unit: 3735

Confirmation No. 2489

Filed: January 26, 2004

Examiner: John R. Sanders JR.

For: EYE TRACKING APPARATUS, EYE TRACKING METHOD, EYE STATE JUDGING
APPARATUS, EYE STATE JUDGING METHOD AND COMPUTER MEMORY
PRODUCT

RESPONSE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Attention: **BOX AF**

Sir:

This is in response to the Office Action mailed September 1, 2006, and having a period for response set to expire on December 1, 2006.

Upon review of the current Office Action, it became apparent to the Applicants that the Office Action was not intended to be issued in response to the Amendment filed on August 31, 2006. Evidence of this is found in the Response to Arguments (items 1-2 on page 2 of the Office Action), which referenced dates and other information that are not applicable to the present application. For instance, the Response to Arguments discussed a response filed on June 25, 2006, which was not filed by the Applicants for the present application.

The Examiner confirmed by telephone on September 8, 2006, that the Office Action was indeed erroneously issued, and that a proper Office Action would be issued in response to the Amendment filed on August 31, 2006.

Therefore, it is the Applicants' understanding that a new Office Action will be issued in the future, which will render the current Office Action moot. Further, the Applicants respectfully

submit that this response satisfies the Period for Reply requirements of the erroneously issued Office Action.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Respectfully submitted,

STAAS & HALSEY LLP

Date:

09/08/06

By:

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